IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5080 of 2007()

CMP.4243/2007 of J.M.F.C., HARIPAD

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CRIME NO.70/2007 OF KARTHIKAPPALLY EXCISE RANGE

PETITIONER/ACCUSED

BINDU, W/O BABU, AGED 30 YEARS,
KAREETHARA VEEDU, NALLANIKAL MURI,
ARATTUPUZHA VILLAGE, KARTHIKAPPALLY TALUK.

BY ADV. SRI.SUNIL KUMAR

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE EXCISE INSPECTOR,
KARTHIKAPPALLY EXCISE RANGE.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 5080 of 2007

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Dated this the 21st day of August, 2007

ORDER

Application for regular bail. Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 1 litre of arrack on 06.08.2007. She could not be arrested as the detecting party did not consist of any woman official. The petitioner was later on arrested on 09.08.07 and she continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigator is granted some further time to complete the investigation and I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 23/08/2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

ii) She shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make herself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj